

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**IN RE:**

**JON CHRISTOPHER EVANS,  
DEBTOR**

**CAUSE NO. 09-03763-NPO  
CHAPTER 7**

*Jointly Administered with Related Cases*

.....  
**G&B INVESTMENTS, INC.  
VS.**

**PLAINTIFF  
ADV. PROC. NO. 10-00040-NPO**

**DEREK A. HENDERSON, TRUSTEE FOR THE  
BANKRUPTCY ESTATE OF JON CHRISTOPHER  
EVANS, Et Al.**

**DEFENDANTS**  
.....

**MISSISSIPPI VALLEY TITLE INSURANCE  
COMPANY And OLD REPUBLIC NATIONAL  
TITLE INSURANCE COMPANY**

**THIRD PARTY PLAINTIFF**

**VS.**

**CHARLES H. EVANS, JR., INDIVIDUALLY,  
And THE EVANS FIRM**

**THIRD PARTY DEFENDANT**  
.....

**MOTION OF DEFENDANT CHARLES H. EVANS, JR.,  
FOR PARTIAL RELIEF FROM DISCOVERY DEADLINE**

Defendant Charles H. Evans, Jr., hereinafter ("Movant") moves for partial relief from the discovery deadline concerning exchange of reports for designated expert witnesses.

Movant also requests expedited consideration of this motion. In support of this motion,

Movant states as follows:

1.

Pursuant to the this Court's Order entered on November 19, 2010 (Dkt. # 243), the deadline both for designating experts and exchanging expert reports in this case is December 1, 2010. As provided in the order, Movant has served other counsel with a statement designating an expert witness and with a written report signed by the designated expert which Movant believes substantially complies with the Court's order and with Federal Rule of Civil Procedure 26(a)(2). Movant has provided the other parties in this case with a report signed by the witness which states the witness's opinion of the market value of Tract T-1 and of the market value of Tracts T-2 and T- 3 and states his compensation and states his qualifications and publications and lists the cases in which he has previously testified and attaches an exhibit used to support his opinions.

2.

Out of an abundance of caution, Movant requests additional time for the witness to supplement his report with more detailed information of the data and other material he considered in formulating his opinions because, when the witness was engaged by Movant, he was already obligated to provide written appraisals for other clients on December 3 and December 7 and the preparation of those reports could not be postponed. The witness will provide the written supplement as soon as possible but no later than December 10, 2010.

3.

The delay in providing the supplemental information from the expert will not prejudice any party as there will be ample time after service of the supplement and before December 30, 2010, for any interested party to take the deposition of the witness, should anyone desire to do

so and because the supplemental information will not change the witness's opinions of the value of the tracts in question.

4.

Movant has attached as Exhibit "A" a proposed order regarding the relief requested.

WHEREFORE, Charles H. Evans, Jr., prays for an extension until December 10, 2010, of the time for its designated expert witness to supplement his report as stated in this motion and prays for expedited consideration of this motion and requests that the Court enter an order in substantially the form attached hereto as Exhibit "A" granting the relief requested.

This the 1<sup>st</sup> day of December, 2010.

Respectfully submitted,

CHARLES H. EVANS, JR.

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OF COUNSEL

BY: /s/ Richard C. Bradley III  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on December 1, 2010, I electronically filed the foregoing Motion with the Clerk of the Court using the ECF system which will send notification of such filing to all parties receiving electronic notice:

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This, the 1<sup>st</sup> day of December, 2010.

/s/ Richard C. Bradley III